



Nita M. Lowey
Congress of the United States
 18th District, New York

January 13, 2010

The Honorable Barack Obama
 President of the United States of America
 1600 Pennsylvania Avenue N.W.
 Washington, D.C. 20500

Dear President Obama:

As a New Yorker and the only member of Congress who has been a member of the House Homeland Security Committee, the House Appropriations Subcommittee on Homeland Security, and the Select Intelligence Oversight Panel, I have attended over two hundred hearings and briefings on Department of Homeland Security (DHS) and intelligence programs. As the White House coordinates policy changes in response to Umar Farouk Abdulmutallab's attempt to bomb Northwest flight 253, it is imperative that the government not only address the failures in this case, but also other challenges we know could compromise our security. In addition to the changes you have ordered, I urge you to consider nine proposals.

1. **Advanced Passenger Information System (APIS).** The current mechanism for delivering passenger manifest lists to Customs and Border Protection (CBP) only 30 minutes prior to securing the doors of an international flight is unacceptable. This should happen at least 24 hours in advance to provide CBP personnel adequate time to clear all passengers before an aircraft has departed for the U.S.

I brought this loophole to CBP's attention at a March 10, 2009, House Appropriations Committee hearing. When I asked then-CBP Acting Commissioner Jayson Ahern whether we should require airlines to provide information 24 hours in advance – the same requirement for incoming sea vessels – he responded, "Absolutely I do not think so."

CBP identified Abdulmutallab as a person of interest via the Terrorist Identity Datamart Environment while flight 253 was already en route. Requiring airlines to use APIS earlier could have led to CBP identifying Abdulmutallab prior to his departure from Amsterdam. Even had DHS not had adequate information to prevent him from boarding a plane, DHS personnel could have requested that Dutch security utilize enhanced screening procedures that may have detected the explosive device.

2. **Secure Flight.** Full implementation of the Secure Flight program should be accelerated. For more than a decade the federal government has struggled to assemble an integrated

information sharing and watchlist system for air travel. Since Fiscal Year 2002, the government has spent more than \$437 million on Secure Flight and its predecessors, yet Secure Flight has still not been implemented.

The current iteration of Secure Flight is scheduled to be fully implemented by the end of 2010. The program should be accelerated to provide the Transportation Security Administration (TSA), CBP, and other relevant security agencies advanced traveler information when a reservation is made so that DHS can better and more efficiently ensure air passengers on international flights are admissible into the U.S.

3. **Behavior detection.** Congress has provided TSA with significant resources to increase the deployment of Behavior Detection Officers at airports. These personnel play a crucial role in identifying potentially dangerous individuals through non-intrusive means by detecting suspicious behavior as an individual proceeds through required security procedures. This method, also heavily relied upon in protecting Israeli airports and aircraft, must be significantly ramped up if we are to both deter and detect dangerous activities at our airports.
4. **Technology.** While TSA already has plans in place to purchase additional millimeter wave imaging technology units, or “whole body imaging” machines, your Fiscal Year 2011 budget request must include a considerable increase in funding for the purchase of these machines over what was previously planned. The American public appears ready and willing to undergo more intensive security screening in order to protect the traveling public; a USA Today/Gallup Poll released on January 11th shows that 78 percent of Americans favor the use of this technology at our airports.
5. **Overseas presence.** TSA personnel stationed in foreign countries play a vital role in identifying and addressing security threats aboard aircraft bound for the U.S. Now more than ever before, it is necessary for personnel from TSA or other DHS agencies to be present at foreign exit points. Substantially increasing our human capital investments will ensure that we are better prepared to facilitate the gathering of intelligence abroad, more capable of coordinating with our allies and local law enforcement, and in the best position to catch terrorists before they reach a domestic entry point.
6. **Air marshals.** In conjunction with TSA personnel stationed around the globe and at our security checkpoints, Federal Air Marshals (FAMs) are on the front lines protecting passengers and aircraft in-flight. As TSA increases the levels of security screening at “countries of interest,” TSA must also work to ensure FAMs are present on all flights originating in these countries and destined for the United States.
7. **Airport access.** Dangerous flaws in the screening of airport personnel moving in and out of secure and sterile areas pose a significant risk. The only way to ensure that harmful materials are kept away from our aircraft is to require all individuals entering secure and sterile areas of airports to undergo security screening upon each entry. Screening employees for dangerous items that are not permitted beyond the security checkpoint takes direct aim at any insider threat and can be done with minimal disruption to airline

and airport operations. Meticulously screening passengers but allowing employees free access to secure and sterile areas is like installing an expensive home alarm system but leaving your back door open.

8. **Checks on current visa holders.** In addition to the changes at DHS, I would insist that the State Department immediately review all current visa holders against appropriate watchlists to ensure no other potential terrorists have easy access to U.S. soil. The Administration should also establish a system that regularly crosschecks visa holders against the Terrorist Screening Database to ensure that dangerous terrorists are kept out of the U.S.
9. **Electronic visas.** Additionally, I urge you to ensure the expeditious implementation of an all-electronic nonimmigrant visa application system for all consular posts in calendar year 2010 and to request additional funding if necessary to meet this goal. Ensuring electronic visa applications will allow State to crosscheck visa applicants against watchlists prior to consular officer interviews with applicants.

These proposals are meant to complement changes you have already ordered. I look forward to working with your Administration to improve our nation's security apparatus.

Sincerely,



Nita M. Lowey